

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

2002 MAR 12 A 10:48

CHANNEL COLEMAN :
v. :
STATE OF MARYLAND :
DEPARTMENT OF PUBLIC :
SAFETY AND CORRECTIONAL :
SERVICES, et al. :
:

ORDER

On March 7, 2002, the Court held a hearing regarding Defendant's Motion for Summary Judgment and Plaintiff's Motion for Reinstatement of Count II. For the reasons stated at the hearing, the Court hereby DENIES Defendant's Motion for Summary Judgment without prejudice and DENIES Plaintiff's Motion for Reinstatement of Count II.

By April 15, 2002, Plaintiff shall file a Fourth Amended Complaint advancing the following counts:

- (i) Count I: pursuant to 42 U.S.C. §1983 for sexual harassment against Captain Carter;
- (ii) Count II: hostile work environment in violation of Title VII against the State of Maryland Department of Public Safety and Correctional Services ("DPSCS");
- (iii) Count III: retaliatory discharge in violation of Title VII against DPSCS;

If Mr. Herman believes that there is a sufficient legal and factual basis for a claim under 42 U.S.C. §1983 for sexual harassment against DPSCS, he may bring the claim in a Count IV. The Court reiterates, however, that it will not permit amendment of the Complaint to include



counts against any supervisors, other than Captain Carter, in their personal capacities.

Mr. Herman also must answer the following two interrogatories by April 15th.

- (i) Are there additional facts regarding the alleged sexual harassment and/or discrimination that might support any of the new theories of recovery? If so, state the additional facts, identify any witnesses who could corroborate any of the facts, and produce documents that refer to any of the facts.
- (ii) Does Plaintiff seek any additional damages against Captain Carter? If so, what is the basis for the damages?

By May 15, 2002, Defendant shall file its Answer and Motion for Summary Judgment.

The Court hereby grants Defendant leave to adopt by reference its original Answer and Motion for Summary Judgment. Additionally, Defendant may include argument in the Motion regarding the propriety of permitting Plaintiff to amend her Complaint at this stage to include counts that may result in personal liability for Defendant Captain Carter.

By June 7, 2002, Plaintiff shall file a response, and by June 21, Defendant shall file a reply. On July 19, 2002, at 2:00 p.m., the Court will hold an in-court hearing on the Motion.

11TH
It is so ORDERED this day of March, 2002.

B. Legg

Benson Everett Legg
United States District Judge